

REMARKS

Claims 1 and 50-68 are pending in this application.

By this Amendment, Applicant has cancelled Claims 9, 25, and 33-49, without prejudice, Applicant has amended independent Claim 1, and Applicant has added new Claims 50-68. Applicant has amended independent Claim 1 so as to more clearly distinguish the present invention, as defined by independent Claim 1, over the prior art. Applicant respectfully submits that the amendments to independent Claim 1 do not contain new matter. Applicant further submits that the newly added Claims 50-68 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1 and 50-68, is patentable over the prior art.

Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §102 AND §103 REJECTIONS:

The Examiner asserts that Claim 25 is rejected under 35 U.S.C. §102(e) as being anticipated by Ballantyne, et. al., U.S. Patent No. 5,867,821 (Ballantyne). The Examiner also asserts that Claims 1, 9, and 33-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ballantyne in view of Knaus, et al., US 2002/0004727 A1 (Knaus).

As noted above, Applicant has cancelled Claims 9, 25, and 33-49, without prejudice, Applicant has amended independent Claim 1, and Applicant has added new Claims 50-68. Applicant has amended independent Claim 1 so as to more clearly distinguish the present invention, as defined by independent Claim 1, over the prior art. Applicant respectfully submits that the amendments to independent Claim 1 do not contain new matter. Applicant further submits that the newly added Claims 50-68 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1 and 50-68, is patentable over the prior art.

IA. THE PRESENT INVENTION, AS DEFINED BY INDEPENDENT CLAIM 1,  
IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 1, is patentable over Ballantyne, Knaus, and any combination of same. Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, an apparatus, comprising: a processor, wherein the processor processes a request to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file of a patient, wherein the processor determines whether an individual or entity is authorized to at least one of access, obtain, change, alter, and modify, the information contained in a patient's healthcare record or a patient's healthcare file, and further wherein the processor generates a notification report containing information regarding at least one of the individual or entity making the request, identification information regarding the individual or entity, and a time and date of the request, and further

wherein the notification report contains information regarding a reason for the request, and further wherein the notification report contains at least one of information regarding a nature of any change, alteration, or modification, sought to be made or made to the information contained in a patient's healthcare record or a patient's healthcare file, and information regarding a subject of a change, alteration, or modification, sought to be made or made to the information contained in a patient's healthcare record or a patient's healthcare file, and a transmitter, wherein the transmitter transmits the notification report to a patient communication device of the patient via, on, or over, a communication network, and further wherein the notification report is transmitted to the patient communication device at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the information contained in a patient's healthcare record or a patient's healthcare file by the individual or entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request, all of which features are specifically recited features of independent Claim 1.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited notification report.

Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited notification report which contains:

1) the recited information regarding at least one of the individual or entity making the request, identification information regarding the individual or entity, and a time and date of the request; 2) the recited information regarding a reason for the request; and 3) the recited at least one of information regarding a nature of any change, alteration, or modification, sought to be made or made to the information contained in a patient's healthcare record or a patient's healthcare file, and information regarding a subject of a change, alteration, or modification, sought to be made or made to the information contained in a patient's healthcare record or a patient's healthcare file.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited notification report, and Applicant further submits that Ballantyne, Knaus, and any combination of same, do not

disclose, teach, or suggest, the recited processor which generates the recited notification report.

Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited notification report, and Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited transmitter which transmits the recited notification report to the recited patient communication device of the patient.

Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited transmitter which transmits the recited notification report to the recited patient communication device of the patient via, on, or over, a communication network, at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the recited information contained in a patient's healthcare record or a patient's healthcare file by the individual or entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the recited request.

In view of the foregoing, Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 1. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over Ballantyne, Knaus, and any combination of same.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art.

Allowance of pending Claim 1 is, therefore, respectfully requested.

**IB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 50-67, IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 50-67, is patentable over the prior art. Applicant submits that the present invention, as defined by independent Claim 50, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 50, is patentable over Ballantyne, Knaus, and any combination of same. Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, a computer-implemented method, comprising: processing a request by a person or an entity to at least one of access, obtain, change, alter, and modify, information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file of the individual or patient, with a processor, generating a message containing information regarding at least one of the person or the entity making the request, identification information regarding the person or the entity making the request, and a time and date of the request, and further wherein the message contains at least one of information regarding a reason for the request, information regarding a nature of a change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, and information regarding a subject of a change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, and transmitting the message to a

communication device of the individual or patient via, on, or over, a communication network, wherein the message is transmitted to the communication device of the individual or patient at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file by the person or the entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, all of which features are specifically recited features of independent

Claim 50.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited message.

Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited message which contains: 1) the recited

information regarding at least one of the person or the entity making the request, identification information regarding the person or the entity making the request, and a time and date of the request; and 2) the recited at least one of information regarding a reason for the request, information regarding a nature of a change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, and information regarding a subject of a change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited message, and Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, generating the recited message.

Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited message, and Applicant further submits that Ballantyne, Knaus, and any combination of same, do not

disclose, teach, or suggest, transmitting the recited message to the recited communication device of the individual or patient via, on, or over, a communication network.

Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, transmitting the recited message to the recited communication device of the individual or patient via, on, or over, a communication network, at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file by the person or the entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited processing of the recited request to at least one of access, obtain, change, alter, and modify, the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file.

In view of the foregoing, Applicant respectfully submits that Ballantyne, Knaus, and any combination of same,

do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 50. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 50, is patentable over Ballantyne, Knaus, and any combination of same.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 50, is patentable over the prior art. Applicant further submits that Claims 51-67, which Claims depend either directly or indirectly from independent Claim 50, are also patentable as said Claims 51-67 depend from allowable subject matter.

Allowance of pending Claims 50-67 is, therefore, respectfully requested.

**IC. THE PRESENT INVENTION, AS DEFINED BY CLAIM 68, IS  
PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by independent Claim 68, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 68, is patentable over Ballantyne, Knaus, and any combination of same. Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, a computer-implemented method, comprising: receiving information regarding a restriction or limitation regarding an ability of a person or an entity to at least one of access, obtain, change, alter, and modify, information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, wherein the restriction or limitation contains information regarding at least one of a healthcare provider, a healthcare payer, a healthcare insurance provider, and an authorized entity, and information regarding a designated purpose for allowing each of the at least one of a healthcare provider, a healthcare payer, a healthcare insurance provider, and an authorized entity, to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, wherein the designated purpose is at least one of to perform a diagnosis, to perform a diagnosis for a certain ailment, illness, or symptom, to provide a second opinion, to

verify or disprove a condition or a pre-existing condition, to submit an insurance claim, and to process an insurance claim, storing the information regarding a restriction or limitation regarding an ability of a person or an entity to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, and processing a request by a person or an entity to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, with a processor, all of which features are specifically recited features of independent Claim 68.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited restriction or limitation.

Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited restriction or limitation which contains:

- 1) the recited information regarding at least one of a healthcare provider, a healthcare payer, a healthcare insurance provider, and an authorized entity; and 2) the

recited information regarding the recited designated purpose for allowing each of the at least one of a healthcare provider, a healthcare payer, a healthcare insurance provider, and an authorized entity, to at least one of access, obtain, change, alter, and modify, the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, wherein the recited designated purpose is at least one of to perform a diagnosis, to perform a diagnosis for a certain ailment, illness, or symptom, to provide a second opinion, to verify or disprove a condition or a pre-existing condition, to submit an insurance claim, and to process an insurance claim.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited restriction or limitation, and Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited a computer-implemented method which comprises receiving the recited information regarding the recited restriction or limitation.

Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, receiving the recited information regarding the

recited restriction or limitation regarding an ability of a person or an entity to at least one of access, obtain, change, alter, and modify, the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, wherein the recited restriction or limitation contains the recited information regarding at least one of a healthcare provider, a healthcare payer, a healthcare insurance provider, and an authorized entity, and the recited information regarding the recited designated purpose for allowing each of the at least one of a healthcare provider, a healthcare payer, a healthcare insurance provider, and an authorized entity, to at least one of access, obtain, change, alter, and modify, the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, wherein the recited designated purpose is at least one of to perform a diagnosis, to perform a diagnosis for a certain ailment, illness, or symptom, to provide a second opinion, to verify or disprove a condition or a pre-existing condition, to submit an insurance claim, and to process an insurance claim.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited restriction or limitation, and Applicant further

submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, storing the recited information regarding the recited restriction or limitation regarding an ability of a person or an entity to at least one of access, obtain, change, alter, and modify, the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file.

Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, determining, using the information regarding the restriction or limitation, whether the person or the entity is allowed or authorized to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, generating a message containing information regarding at least one of the person or the entity making the request, identification information regarding the person or the entity making the request, and a time and date of the request, and further wherein the message contains at least one of information regarding a reason for the request, information regarding a nature of a change, alteration, or modification, sought to be made or made to the information contained in an

individual's or patient's healthcare record or an individual's or patient's healthcare file, and information regarding a subject of a change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, and transmitting the message to a communication device of the individual or patient via, on, or over, a communication network, wherein the message is transmitted to the communication device of the individual or patient at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file by the person or the entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, all of which features are still other specifically recited features of independent Claim 68.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited restriction or limitation, and Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, determining, using the recited information regarding the recited restriction or limitation, whether the person or the entity is allowed or authorized to at least one of access, obtain, change, alter, and modify, the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited message.

Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited message which contains: 1) the recited information regarding at least one of the person or the entity making the request, identification information regarding the person or the entity making the request, and a time and date of the request; and 2) the recited at least one of information regarding a reason for the request, information regarding a

nature of a change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, and information regarding a subject of a change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file.

Applicant submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited message, and Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, generating the recited message.

Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, the recited message, and Applicant further submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, transmitting the recited message to the recited communication device of the individual or patient via, on, or over, a communication network, at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited at least one of an accessing,

an obtaining, a changing, an altering, and a modifying, of the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file by the person or the entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited processing of the recited request to at least one of access, obtain, change, alter, and modify, the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file.

In view of the foregoing, Applicant respectfully submits that Ballantyne, Knaus, and any combination of same, do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 68. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 68, is patentable over Ballantyne, Knaus, and any combination of same.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 68, is patentable over the prior art.

Allowance of pending Claim 68 is, therefore,  
respectfully requested.

**II. CONCLUSION:**

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 1 and 50-68 is, therefore, respectfully requested.

A STATEMENT OF THE SUBSTANCE OF THE EXAMINER INTERVIEW, which took place on January 24, 2008, is submitted herewith.

Respectfully Submitted,



Raymond A. Joao  
Reg. No. 35,907

Encls.: - Abstract of the Disclosure  
- STATEMENT OF THE SUBSTANCE OF THE EXAMINER  
INTERVIEW which took place on January 24, 2008

February 14, 2008

Raymond A. Joao, Esq.  
122 Bellevue Place  
Yonkers, New York 10703  
914) 969-2992